

Shannon L. Gustafson (SBN 228856)
sgustafson@lynberg.com
Amy R. Margolies (SBN 283471)
amargolies@lynberg.com
Anita K. Clarke (SBN 321015)
aclarke@lynberg.com
LYNBERG & WATKINS
A Professional Corporation
1100 W. Town & Country Road, Suite #1450
Orange, California 92868
(714) 937-1010 Telephone
(714) 937-1003 Facsimile

Attorneys for Defendants, COUNTY OF SAN BERNARDINO,
ROBERT VACCARI and JAKE ADAMS

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

JONATHAN WAYNE BOTTEN, SR.;
TANJA DUDEK-BOTTEN;
ANNABELLE BOTTEN; and J.B., a
minor by and through his guardian
JONATHAN WAYNE BOTTEN, SR.,

Plaintiffs,

vs.

STATE OF CALIFORNIA; COUNTY
OF SAN BERNARDINO; ISAIAH
KEE; MICHAEL BLACKWOOD;
BERNARDO RUBALCAVA;
ROBERT VACCARI; JAKE ADAMS;
and DOES 1-10 inclusive,

Defendants.

CASE NO. 5:23-cv-00257-KK-(SHKx)

Assigned for All Purposes to:
Hon. Kenly Kiya Kato– Courtroom #3

**STIPULATION TO DISMISS
PLAINTIFFS' FIRST CLAIM FOR
EXCESSIVE FORCE 42 U.S.C. §
1983, SECOND CLAIM FOR
SUBSTANTIVE DUE PROCESS 42
U.S.C. § 1983, THIRD CLAIM FOR
BATTERY, AND SIXTH CLAIM
FOR CAL. CIV. CODE § 52.1
AGAINST COUNTY DEFENDANTS**

Trial: July 28, 2025

Complaint filed: 02/16/23
FAC filed: 06/08/23

STIPULATION

WHEREAS, Plaintiffs, JONATHAN WAYNE BOTTEN, SR.; TANJA DUDEK-BOTTEN; ANNABELLE BOTTEN; and J.B., a minor by and through his guardian JONATHAN WAYNE BOTTEN, SR. (“Plaintiffs”), initiated the above-captioned action against Defendants COUNTY OF SAN BERNARDINO, ROBERT VACCARI, and JAKE ADAMS (“County Defendants”) on or about February 16, 2023;

WHEREAS, Plaintiffs filed their First Amended Complaint, the operative Complaint on June 8, 2023 (Dkt. 27);

WHEREAS, County Defendants sent a meet and confer letter to Plaintiffs on January 16, 2025. The parties then engaged in a telephonic meet and confer conference on January 22, 2025 and continued meeting and conferring by email until January 27, 2025. On January 27, 2025, Plaintiffs agreed to dismiss Plaintiffs’ First Claim under the Fourth Amendment for Excessive Force pursuant to 42 U.S.C. § 1983, Second Claim for Substantive Due Process pursuant to 42 U.S.C. § 1983, Third Claim for Battery, and Sixth Claim for Violation of Cal. Civ. Code § 52.1 against the County of San Bernardino, Robert Vaccari, and Jake Adams.

The parties hereto, by and through their respective counsel, hereby stipulate and agree as follows:

1. Plaintiffs’ First Claim for Fourth Amendment – Excessive Force (42 U.S.C. § 1983 is dismissed against to the County of San Bernardino, Robert Vaccari, and Jake Adams with prejudice.

2. Plaintiffs’ Second Claim for Substantive Due Process pursuant to 42 U.S.C. § 1983 is dismissed against the County of San Bernardino, Robert Vaccari, and Jake Adams with prejudice.

3. Plaintiffs’ Third Claim for Battery is dismissed against the County of San

1 Bernardino, Robert Vaccari, and Jake Adams with prejudice.

2 4. Plaintiffs' Sixth Claim for Violation of Cal. Civ. Code § 52.1 is dismissed
3 against the County of San Bernardino, Robert Vaccari, and Jake Adams with
4 prejudice.

5 5. While this case has been consolidated for the limited purposes of
6 discovery with *L.C., et al. v. State of California, et al.*, case no. 5:22-cv-00949-KK-
7 SHK, the parties agree that this stipulation only applies to the above-entitled action,
8 *Botten, et al. v. State of California, et al.*, case no. 5:23-cv-00257-KK-SHK.

9 6. Each party shall bear their own costs and fees as to these claims.

10 DATED: January 28, 2025

LYNBERG & WATKINS
A Professional Corporation

11
12
13
14 By: /s/ Anita K. Clarke
Shannon L. Gustafson
Amy R. Margolies
Anita K. Clarke
Attorneys for Defendants, COUNTY OF
15 SAN BERNARDINO, ROBERT
16 VACCARI and JAKE ADAMS
17

LAW OFFICES OF DALE K. GALIPO

18 DATED: January 28, 2025

19
20
21 By: /s/ Hang D. Le
Dale K. Galipo
Hang D. Le
Attorneys for Plaintiffs JONATHAN
22 WAYNE BOTTEN, SR.; TANJA
23 DUDEK-BOTTEN; ANNABELLE
24 BOTTEN; and J.B., a minor by and
25 through his guardian JONATHAN
WAYNE BOTTEN, SR.
26
27

1 Pursuant to Local Rule 5-4.3.4, I attest that all other signatories listed, and on
2 whose behalf the filing is submitted, concur in the filing's content, and have
3 authorized the filing.

4
5 DATED: January 28, 2025

LYNBERG & WATKINS
A Professional Corporation

6
7
8 By: /s/ Anita K. Clarke
Shannon L. Gustafson
Amy R. Margolies
9 Anita K. Clarke
10 Attorneys for Defendants, COUNTY OF
SAN BERNARDINO, ROBERT
11 VACCARI and JAKE ADAMS
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27